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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,991	10/18/2004	Evan Sharples	dualdisplay	5990
23217	7590	12/07/2006	EXAMINER	
GLENN L. WEBB P.O BOX 951 CONIFER, CO 80433			NGUYEN, TRINH T	
			ART UNIT	PAPER NUMBER
			3644	
DATE MAILED: 12/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,991

Applicant(s)

SHARPLES ET AL.

Examiner

Trinh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE dated 11/13/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination under 37 CFR 1.114 After Final Rejection

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/06 has been entered.

Election/Restrictions

2. Because of Applicant's election without traverse of Species I (claims 1-3, and 7) in the reply on 10/31/05, it is noted that claims 4-6, 8, and 9 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Liaw (US6213494; see Figure 1 attached at the end of this Office Action for further explanation).

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For claim 1, Liaw discloses a display system for plant displays, wherein said system comprises:

- a display support structure;
- a first display case;
- a first attachment mechanism for attaching said first display case to said display support structure to allow said first display case to pivot between a substantially horizontal position for use as a display stand and a substantially vertical position for compact storage;
- a second display case; and
- a second attachment mechanism for attaching said second display case to said display support structure on the same side of said display support structure and below said first display case to allow said second display case to pivot independently from said first display case between a substantially horizontal position for use as a display stand and a substantially vertical position for compact storage.

For claim 2, Liaw discloses said display stand includes:

- a first vertical support structure;
- a second vertical support structure parallel to and spaced from said first Vertical support structure; and
- said first attachment mechanism includes a first fastener securing said first display case to said first vertical support structure for pivoting movement relative to said first vertical support structure; and

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a second fastener securing said first display case to said second vertical support structure for pivoting movement relative to said second vertical support structure.

For claim 3, Liaw discloses said display stand includes:

a first vertical support structure;

a horizontal member on said first vertical support structure;

a second vertical support structure parallel to and spaced from said first vertical support structure;

a horizontal member on said second vertical support structure; and

said first attachment mechanism includes a first fastener securing said first display case to said horizontal member on said first vertical support structure for pivoting movement relative to said first vertical support structure; and

a second fastener securing said first display case to said horizontal member on said second vertical support structure for pivoting movement relative to said second vertical support structure.

For claim 7, Liaw discloses at least one beam extending across the upper end of said support structure for hanging displays from said at least one rail member.

Response to Arguments

5. Applicant's arguments filed 11/13/06 have been fully considered but they are not persuasive.

6. Applicant argues that Liaw does not teach the limitation of attachment mechanism for each display case that allows the display cases to pivot independently from one another and that the second display case is below the first display case and

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on the same side as the first display case, the Examiner disagrees. It is clearly shown in Figure 1 (attached at the end of this Office Action) of Liaw, the attachment mechanism for each display case that allows the display cases to pivot independently from one another and that the second display case is below the first display case. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., on the same side as the first display case, it is noted that the claim 1 (amended) calls for "on the same side of said display support structure") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T. Nguyen whose telephone number is (571) 272-6906. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M). The examiner's supervisor, Teri Luu can be reached on (571) 272-7045 for the purpose of status inquiry only. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trinh T. Nguyen
Primary Examiner
Art Unit 3644

11/30/06

